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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

OCT 16 1998

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Allocation and Designation of Spectrum for)
Fixed-Satellite Services in the 37.5-38.5 GHz,)
40.5-41.5 GHz, and 48.2-50.2 GHz Frequency)
Bands; Allocation of Spectrum to Upgrade Fixed)
and Mobile Allocations in the 40.5-42.5 GHz)
Frequency Band, Allocation of Spectrum)
in the 46.9-47.0 GHz Frequency Band for)
Wireless Services; and Allocation of Spectrum in)
the 37.0-38.0 GHz and 40.0-40.5 GHz for)
Government Operations)

IB Docket No. 97-95

RM-8811

To: The Commission

COMMENTS OF LOCKHEED MARTIN CORPORATION

Lockheed Martin Corporation ("Lockheed Martin") hereby submits its comments in response to the Public Notice of a proposal by the National Telecommunications and Information Administration ("NTIA") to reallocate the 42.5-43.5 GHz band for exclusive government use and the 47.2-48.2 GHz band for exclusive non-government use.^{1/}

Lockheed Martin currently has two satellite system applications pending before the Commission that request authority to operate service links in V-band frequencies: (i) a V-band geostationary-satellite orbit ("GSO") fixed-satellite service ("FSS") system application requesting authority to launch and operate a global constellation of nine satellites to provide ultra-broadband point-to-point, point-to-multipoint and broadcast data services, as well as data-relay services to permit non-geostationary orbit ("NGSO") satellites to transmit data to

^{1/} See Comment Sought on NTIA Position on Proposed Rules to Permit Use of Frequencies above 40 GHz for New Radio Applications, Public Notice, Report No. IN 98-53 (rel., Oct. 1, 1998) (citing Letter from William T. Hatch, NTIA, to Dale Hatfield, FCC (Sept. 24, 1998) ("NTIA Comment")).

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ground stations on a near-continuous basis; and (ii) the LM-MEO System application, a second-round Ka-band FSS application, which includes certain V-band frequencies, requesting authority to launch and operate a medium-Earth orbit NGSO system to provide a wide range of broadband and ultra-broadband services.

While Lockheed Martin does not specifically take exception to NTIA's recommendation, adopting the NTIA proposal without considering the entire Millimeter Wave Band threatens to ignore the demonstrated needs of the satellite industry and particularly FSS. An incremental, ad hoc spectrum-allocation policy, such as that being pursued by the Commission in this proceeding, harms the satellite industry by slowly eliminating from the U.S. Table of Allocations the FSS-allocated spectrum that remains suitable for globally deployed satellite systems.

Under the currently proposed domestic bandplan, FSS spectrum suitable for globally deployed systems is extremely scarce. NTIA's proposal to reallocate the 42.5-43.5 GHz band for exclusive government use represents a further diminution of available FSS spectrum.^{2/} In addition, FSS systems cannot operate globally in the 40.5-41.5 GHz band, which the Commission has proposed to use domestically for FSS systems, because the 1997 World

^{2/} It remains unclear whether the Administrative Procedure Act permits the Commission to designate the 42.5-43.5 GHz band for exclusive non-government use in this proceeding. The FCC Notice to which the NTIA responded neither proposed to allocate the 42.5-43.5 GHz band for exclusive government use, nor proposed to allocate the 47.2-48.2 GHz band for exclusive non-government use. *See Amendment of Parts 2 and 15 of the Commission's Rules to Permit Use of Radio Frequencies Above 40 GHz for New Radio Applications*, Memorandum Opinion and Order on Reconsideration and Notice of Proposed Rulemaking, WT Docket No. 98-136 (rel. July 29, 1998).

Radiocommunication Conference ("WRC-97") failed to allocate this band to FSS globally. Moreover, the Commission's policies favoring fixed, stratospheric platforms in the 47.2-48.2 GHz band will allow only limited FSS applications.^{3/}

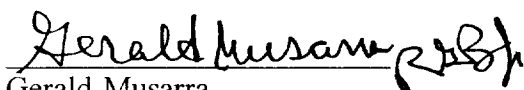
Piecemeal spectrum allocation policies in the Millimeter Wave Band have begun to carve away available FSS spectrum, and ultimately may undermine the successful deployment of global FSS systems. Sixteen first-round, V-band applicants and at least two second-round, Ka-band applicants have applied for FCC authority to operate FSS systems within the Millimeter Wave Band. Unless the Commission adopts comprehensive spectrum management and licensing policies in the Millimeter Wave Band, additional incremental losses of FSS spectrum will occur — much to the detriment of these FSS applicants, the satellite industry, and the public interest.

Respectfully submitted,

LOCKHEED MARTIN CORPORATION

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Dated: October 16, 1998

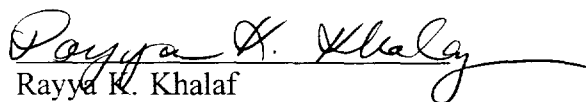
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^{3/} See, e.g., Lockheed Martin Corporation, *Comments*, Amendment to Part 27 of the Commission's Rules to Revise Rules for Services in the 2.3 GHz Band and to Include Licensing of Services in the 47 GHz Band, WT Docket No. 98-136 (filed Sept. 21, 1998).

CERTIFICATE OF SERVICE

I, Rayya K. Khalaf, a secretary at the law firm of Dow, Lohnes & Albertson, PLLC, do hereby certify that a copy of the foregoing "Comments of Lockheed Martin Corporation" was transmitted, via hand delivery, to the following on this 16th day of October, 1998:

Mr. Charles Breig
Federal Communications Commission
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Rayya K. Khalaf